

REMARKS

In the Office Action, the Examiner rejected claims 1-8 and 10-77 under 35 USC §103(a). This rejection is fully traversed below.

Claims 1, 4-8, 13-19, 21-26, 28-33, 35, 36, 61, 63-65, 67-69, 72-75 have been amended. New claims 78-90 have been added to the application. Claims 3 and 37-60 has been canceled without prejudice or disclaimer. Thus, claims 1, 2, 4-8, 10-36 and 61-90 are now pending in the application.

Reconsideration of the application is respectfully requested based on the following remarks.

PATENTABILITY OF CLAIMS 1-8 AND 10-77

In the Office Action, the Examiner rejected claims 1-3, 7, 10-17, 20, 22-24, 27, 29-31, 35, 37-39, 43-51, 55-63, 67, 69-72 and 73-77 under 35 U.S.C. § 103(a) as unpatentable over Breen, Jr. et al., U.S. Patent No. 6,598,027, in view of Tomsen, U.S. Patent Publication 2002/0013950 A1; rejected claims 1-3, 6, 8, 10-17, 20, 22-24, 27, 29-31, 34, 36-39, 42-47, 49-51, 54-59, 61-63, 66 and 68-74 under 35 U.S.C. § 103(a) as unpatentable over Matsuo et al., U.S. Patent Publication No. 2001/0042021 A1, in view of Tomsen; and rejected claims 4, 5, 18, 19, 25, 26, 32, 33, 40, 41, 52, 53, 64, and 65 under 35 U.S.C. § 103(a) as unpatentable over Matsuo et al. in view of Tomsen and further in view of Tracy et al., U.S. Patent No. 5,979,757. These rejections are fully traversed below.

Claim 1 pertains to a computer-implemented method for implementing electronic commerce transactions. The method includes the operations of "identifying a regulated item selected by a customer, the regulated item corresponding to an item which satisfies one or more predetermined criteria, the one or more predetermined criteria indicating that the item is prohibited from being purchased by the customer, the one or more predetermined criteria corresponding to at least one regulation which restrict sales of the regulated item to persons in a particular jurisdiction; and taking action to prevent the purchase of the regulated item via the data network by the customer in accordance with the at least one regulation" (claim 1, lines 3-8).

Additionally, claim 1 now recites "the at least one regulation restricts sales of the regulated item during at least one specific day," which was previously substantially recited in claim 5. As to this limitation, now provided in claim 1, the Examiner admits on page 5 of the Office Action that neither Matsuo et al. nor Tomsen disclose such a limitation. To overcome these deficiencies, the Examiner relies on Tracy et al., namely, column 13, line 57 to column 14, line 2 of Tracy et al.

Tracy et al. pertains to a portable shopping system. The portable shopping system uses a portable terminal that includes a machine code reader (e.g., bar code reader) and a central computer. At col. 13, line 57 to col. 14, line 2 of Tracy et al., it is discussed that the central computer can inform a customer [of a self-scan system] that a selected item is a restricted item and cannot be purchased by the customer at that time. "For instance, in some states alcoholic beverages may not be sold on Sundays. Thus, if a consumer scans the product for purchase, the portable terminal will display a message or play an audible message conveying the prohibition. Tracy et al., col. 13, lines 60-64.

As best, Tracy et al. serves to inform a potential customer that purchase of an item is restricted. Nothing, however, teaches or suggests that the purchase or delivery of the restricted item is in any way prevented in a computer-implemented manner during specific days by the portable shopping system of Tracy et al. The specifics of presenting a message about the prohibition, as noted in Tracy et al., may even teach against preventing delivery or purchase of restricted items. Thus, Tracy et al. is unable to overcome the deficiencies of Matsuo et al. and Tomsen noted above. Accordingly, it is submitted that claim 1 is patentably distinct from Matsuo et al. alone or in combination with Tomsen and/or Tracy et al.

Claim 16 pertains to a computer-implemented method for implementing electronic commerce transactions via a data network. The method generally operates to identify a regulated item selected by a customer and then take action to prevent the purchase of the regulated item. In addition, claim 16 recites "wherein said taking action comprises modifying a display of items available for purchase by the customer, wherein the display modification includes restricting display of items which are prohibited from being purchased by the customer based upon the one or more predetermined criteria."

Breen, Jr. et al. describes a system and method for conducting commercial transactions, namely, online bidding, for regulated goods via a computer network. Matsuo et al. describes an electronic settling system and method capable of executing settlements on the Internet.

In the Office Action, the Examiner admits that neither Breen, Jr. et al. nor Matsuo et al., discloses the modification of a display of items available for purchase by a customer by restricting display of items which are prohibited from being purchased by the customer. To overcome the admitted deficiency of Breen, Jr. et al. and Matsuo et al., the Examiner relies on Tomsen. First, we note that Tomsen pertains to an interactive television system that allows a user to save content and context related to a transaction. "As an example, while the viewer is watching a television commercial, the viewer can defer a transaction related to a product advertised in the television commercial or defer the viewing of the television commercial itself." See Abstract. An interactive television system is in a substantially different field of endeavor than the online bidding systems of Breen, Jr. et al. or the electronic settling systems of Matsuo et al. Second, the problems being solved in each of Breen, Jr. et al., Matsuo et al. and Tomsen are completely different. Accordingly, it is submitted that one skilled in the art would not be motivated to combine these references as proposed by the Examiner.

Even if Tomsen were proper to combined with either Breen, Jr. et al. or Matsuo et al., the combinations would still be deficient. Tomsen describes an electronic shopping cart, referred to as a "family safe." FIG. 7 shows a family safe 702 displaying a listing 706 of items, such as a listing of pending transactions, canceled transactions, etc. Specifically, in FIG. 7, the previously initiated and deferred transaction pertaining to a pair of shoes is identified at 704. See, Tomsen, page 4, paragraph 0043. Hence, Tomsen merely teaches that a list of transactions can be displayed in the family safe 702 (i.e., electronic shopping cart). Such teaching is not able to overcome the deficiencies of either Breen, Jr. et al. or Matsuo et al. noted above. Recall, claim 16 recites "wherein said taking action comprises modifying a display of items available for purchase by the customer, wherein the display modification includes restricting display of items which are prohibited from being purchased by the customer based upon the one or more predetermined criteria." There is no teaching or suggestion in Tomsen for restricting display of items which are prohibited from being purchased by a customer based upon one or more predetermined criteria.

Therefore, it is submitted that claim 16 is patentably distinct from Breen, Jr. et al. in combination with Tomsen as well as patentably distinct from Matsuo et al. in combination with Tomsen. Other independent claims 23, 30 and 61 also require restrictive display of prohibited items in electronic commerce transactions. Hence, for similar reasons, it is submitted that claims 23, 30 and 61 are also patentably distinct from Breen, Jr. et al. in combination with Tomsen as well as patentably distinct from Matsuo et al. in combination with Tomsen.

Accordingly, it is submitted that the independent claims 1, 16, 23, 30 and 61 are patentably distinct from any combination of Breen, Jr. et al., Tomsen, Matsuo et al. and/or Tracy et al. In addition, it is submitted that dependent claims 2, 4-8, 10-15, 17-22, 24-29, 31-36 and 62-77 are also patentably distinct for at least the same reasons. Additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Breen, Jr. et al., Tomsen, Matsuo et al. and/or Tracy et al. Thus, it is respectfully requested that the Examiner withdraw the rejections under 35 USC § 103(a).

SUMMARY

It is submitted that the rejections of the claims have been traversed. Therefore, it is submitted that claims 1, 2, 4-8, 10-36 and 61-90 are in condition for allowance. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388.

Respectfully submitted,



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